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SENATE BILL 262

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ROMAN M. MAES III

AN ACT

RELATING TO DISTRICT ATTORNEYS; CHANGING THE DISTRICT ATTORNEY
PROCESSING FEE FOR WORTHLESS CHECKS; CREATING A FUND; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-36-1 NMSA 1978 (being Laws 1963,
Chapter 315, Section 1) is amended to read:

"30-36-1. SHORT TITLE. -- [~~This act~~] Chapter 30, Article 36
NMSA 1978 may be cited as the "Worthless Check Act". "

Section 2. Section 30-36-10 NMSA 1978 (being Laws 1984,
Chapter 110, Section 4) is amended to read:

"30-36-10. DISTRICT ATTORNEY-- PROCESSING FEE. --

A. A district attorney is authorized to assess a
processing fee against any person who is convicted of violating
Section 30-36-4 NMSA 1978 and against any person who

1 acknowledges violation of that section but for whom prosecution
2 is waived by the district attorney. The processing fee assessed
3 pursuant to this section shall not exceed:

4 (1) [~~five dollars (\$5.00)~~] ten dollars (\$10.00)
5 if the amount of the check, draft or order is less than twenty-
6 five dollars (\$25.00);

7 (2) [~~ten dollars (\$10.00)~~] twenty dollars
8 (\$20.00) if the amount of the check, draft or order is twenty-
9 five dollars (\$25.00) or more but less than one hundred dollars
10 (\$100);

11 (3) thirty dollars (\$30.00) if the amount of
12 the check, draft or order is one hundred dollars (\$100) or more
13 but less than three hundred dollars (\$300);

14 (4) fifty dollars (\$50.00) if the amount of the
15 check, draft or order is three hundred dollars (\$300) or more
16 but less than five hundred dollars (\$500); [~~and~~]

17 (5) seventy-five dollars (\$75.00) if the amount
18 of the check, draft or order is five hundred dollars (\$500) or
19 more but less than two thousand dollars (\$2,000);

20 (6) one hundred dollars (\$100) if the amount of
21 the check, draft or order is two thousand dollars (\$2,000) or
22 more but less than three thousand dollars (\$3,000);

23 (7) one hundred twenty-five dollars (\$125) if
24 the amount of the check, draft or order is three thousand
25 dollars (\$3,000) or more but less than four thousand dollars

1 (\$4,000);

2 (8) one hundred fifty dollars (\$150) if the
3 amount of the check, draft or order is four thousand dollars
4 (\$4,000) or more but less than five thousand dollars (\$5,000);

5 (9) one hundred seventy-five dollars (\$175) if
6 the amount of the check, draft or order is five thousand dollars
7 (\$5,000) or more but less than six thousand dollars (\$6,000);

8 (10) two hundred dollars (\$200) if the amount
9 of the check, draft or order is six thousand dollars (\$6,000) or
10 more but less than seven thousand dollars (\$7,000);

11 (11) two hundred twenty-five dollars (\$225) if
12 the amount of the check, draft or order is seven thousand
13 dollars (\$7,000) or more but less but less than eight thousand
14 dollars (\$8,000);

15 (12) two hundred fifty dollars (\$250) if the
16 amount of the check, draft or order is eight thousand dollars
17 (\$8,000) or more but less than nine thousand dollars (\$9,000);

18 (13) two hundred seventy-five dollars (\$275) if
19 the amount of the check, draft or order is nine thousand dollars
20 (\$9,000) or more but less than ten thousand dollars (\$10,000);

21 (14) three hundred dollars (\$300) if the amount
22 of the check, draft or order is ten thousand dollars (\$10,000)
23 or more but less than eleven thousand dollars (\$11,000);

24 (15) three hundred twenty-five dollars (\$325)
25 if the amount of the check, draft or order is eleven thousand

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1 dollars (\$11,000) or more but less than twelve thousand dollars
2 (\$12,000);

3 (16) three hundred fifty dollars (\$350) if the
4 amount of the check, draft or order is twelve thousand dollars
5 (\$12,000) or more but less than thirteen thousand dollars
6 (\$13,000);

7 (17) three hundred seventy-five dollars (\$375)
8 if the amount of the check, draft or order is thirteen thousand
9 dollars (\$13,000) or more but less than fourteen thousand
10 dollars (\$14,000);

11 (18) four hundred dollars (\$400) if the amount
12 of the check, draft or order is fourteen thousand dollars
13 (\$14,000) or more but less than fifteen thousand dollars
14 (\$15,000);

15 (19) four hundred twenty-five dollars (\$425) if
16 the amount of the check, draft or order is fifteen thousand
17 dollars (\$15,000) or more but less than sixteen thousand dollars
18 (\$16,000);

19 (20) four hundred fifty dollars (\$450) if the
20 amount of the check, draft or order is sixteen thousand dollars
21 (\$16,000) or more but less than seventeen thousand dollars
22 (\$17,000);

23 (21) four hundred seventy-five dollars (\$475)
24 if the amount of the check, draft or order is seventeen thousand
25 dollars (\$17,000) or more but less than eighteen thousand

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1 dollars (\$18,000); and
2 (22) five hundred dollars (\$500) if the amount
3 of the check, draft or order is eighteen thousand dollars
4 (\$18,000) or more.

5 B. All processing fees collected by a district
6 attorney pursuant to this section shall be transmitted to the
7 administrative office of the district attorneys for credit to
8 the district attorney fund. "

9 Section 3. DISTRICT ATTORNEY FUND--CREATED--
10 ADMINISTRATION--PURPOSE.--The "district attorney fund" is
11 created in the state treasury. The fund shall consist of
12 worthless check fees, preprosecution diversion fees, other
13 statutory revenues directed to the fund, appropriations, gifts,
14 grants and donations. The fund shall not revert at the end of
15 any fiscal year. Money in the fund is subject to appropriation
16 by the legislature and is for the sole purpose of meeting
17 necessary expenses incurred in the operation of the
18 administrative office of the district attorneys. Expenditures
19 from the fund shall be pursuant to budgets approved by the state
20 budget division of the department of finance and administration
21 and made by warrant drawn by the secretary of finance and
22 administration pursuant to vouchers signed by the director of
23 the administrative office of the district attorneys or his
24 authorized representative.